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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,300	01/05/2005	Jorg Ewert	P16776-US1	5072
27045	7590	02/24/2009	EXAMINER	
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024			CUMMING, WILLIAM D	
			ART UNIT	PAPER NUMBER
			2617	
			MAIL DATE	DELIVERY MODE
			02/24/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/520,300

**Applicant(s)**

EWERT ET AL.

**Examiner**

WILLIAM D. CUMMING

**Art Unit**

2617

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22, 23, 25-32 and 34-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22, 23, 25-32 and 34-36 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the step of determining that a threshold number has been reached and limiting the threshold number as stated in claim 22 and 31 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

***Allowable Subject Matter***

4. Claims 22, 23, 25-32, 34-36 are allowed.
5. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

***Conclusion***

6. This application is in condition for allowance except for the above formal matters.
7. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

8. A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

**9. DUPLICATE COPY OF FORMS FOR FEE PROCESSING NO LONGER REQUIRED**

Numerous United States Patent and Trademark Office (Office) forms utilized for making fee payments in regard to an application, a reexamination proceeding or a patent include language requesting a duplicate copy of the form for fee processing. In the past, the duplicate copy of the form was needed as the paper application file would be in one area of the Office while the processing of the fee would be done in another area of the Office. It is current Office procedure to scan forms containing an authorization to charge or credit a fee amount to a deposit account into the Image File Wrapper (IFW) of an application, a reexamination proceeding or a patent. Once the form is scanned into IFW, it is available and viewable throughout the Office for, *inter alia*, fee processing. As a result, there is no longer a need for the duplicate copy. Office forms (e.g., PTOISBIO5; PTOL-85B; PTOISBII6; PTOISBII7i; PTOISBII7p; PTOISBII8; PTOISB119; PTOISBI22; PTOISBI24A; PTOISBI29; PTOISBI30; PTOISBI3 1; PTOISBI32; PTOISBI37; PTOISBI43; PTOISBI45; PTOISBISO; PTOISBI56; PTOISBR7; PTOISBI58; PTOISBI65; PTOISBI66; PTOISBI94; PTOISBI13PCT; and PTO-1390) will be revised to remove the request for a duplicate copy of the form for fee processing. In the event that a duplicate copy of a form is needed for fee processing (e.g., the form has not been scanned into IFW or the form is submitted in a security application), the Office will make the necessary copy of the form for fee processing. Inquiries concerning this notice may be directed to James Engel, Senior Legal Advisor in the Office of Patent Legal Administration, at (571) 272-7701 or at PatentPractice@uspto.gov.

**10. REMINDER FOR ALL REGISTERED PATENT ATTORNEYS AND AGENTS PLEASE UPDATE YOUR CONTACT INFORMATION**

As a registered patent attorney or agent, you will in the near future be able to self-manage your contact information online, at the United States Patent and Trademark Office's (USPTO) website link dedicated to the official roster of attorneys and agents.

**How to Update**

The following are the steps to get started on self-managing your information.

1. By March 1, 2009 - Please check the current roster to ensure that your business mailing address is accurate. If it needs to be changed, please provide the USPTO's Office of Enrollment and Discipline (OED) with your current business mailing address. ("How To Correct Your Information" steps are detailed below.)
2. OED will mail to you a password. Separately, OED will mail you a valid user identification. Thus, you should expect two mailings. OED plans to mail the password and valid user ID to all practitioners after March 1, 2009.
3. After you receive your password and valid user ID, you will be able to change your address and telephone number information, as well as input your e-mail address. OED will not insert or change a practitioner's e-mail address. To avoid unsolicited spamming and communications, a practitioner's e-mail address will not be made public.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **WILLIAM D. CUMMING** whose telephone number is **571-272-7861**. The examiner can normally be reached on Tuesday- Friday, 11:00am-8:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on 571-272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Ex Parte Quayle.DOC

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/WILLIAM D CUMMING/  
Primary Examiner  
Art Unit 2617



UNITED STATES  
PATENT AND  
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